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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 FEDERAL NATIONAL MORTGAGE  
8 ASSOCIATION,

9 Plaintiff(s),

10 v.

11 VILLAS AT HUNTINGTON HOMEOWNERS  
12 ASSOCIATION, et al.,

13 Defendant(s).

Case No. 2:16-CV-2968 JCM (GWF)

ORDER

14 Presently before the court is defendant Villas at Huntington Homeowners Association's  
15 ("HOA") motion to amend judgment. (ECF No. 36). Plaintiff Federal National Mortgage  
16 Association ("Fannie Mae") filed a nonopposition response (ECF No. 37), to which the HOA  
17 replied (ECF No. 38). No other party filed a response and the time to do so has passed.

18 **I. Background**

19 On December 22, 2016, Fannie May filed a complaint alleging eight (8) causes of action:  
20 (1) declaratory relief pursuant to 12 U.S.C. § 4716(j)(3) against defendant RH Kids, LLC ("RH  
21 Kids"); (2) quiet title pursuant to 12 U.S.C. § 4716(j)(3) against RH Kids; (3) declaratory relief  
22 under the Fifth and Fourteenth Amendments to the United States Constitution against all  
23 defendants; (4) quiet title under the Fifth and Fourteenth Amendments to the United States  
24 Constitution against RH Kids; (5) declaratory judgment pursuant to 28 U.S.C. § 2201, NRS  
25 40.010, and NRS 30.040 against RH Kids; (6) breach of NRS 116.1113 against the HOA and Red  
26 Rock; (7) wrongful foreclosure against the HOA and Red Rock; and (8) injunctive relief against  
27 RH Kids. (ECF No. 1).

1 On January 24, 2017, the HOA filed a crossclaim alleging six (6) causes of action against  
2 Red Rock: (1) implied indemnity; (2) contribution; (3) apportionment; (4) express indemnity; (5)  
3 breach of contract; and (6) declaratory relief. (ECF No. 8). On February 14, 2017, Red Rock filed  
4 a crossclaim alleging six (6) causes of action against the HOA: (1) implied indemnity; (2)  
5 contribution; (3) apportionment; (4) express indemnity; (5) breach of contract; and (6) declaratory  
6 relief. (ECF No. 14).

7 On September 19, 2017, Fannie Mae filed a motion for partial summary judgment. (ECF  
8 No. 23). On June 14, 2018, the court entered an order granting summary judgment on Fannie  
9 Mae's second cause of action and directing the clerk to enter judgment and close the case. *Id.* The  
10 court dismissed Fannie Mae's first, third, fifth, and eighth causes of action for declaratory and  
11 injunctive relief for failing to state a substantive cause of action. (ECF No. 33). With regard to  
12 Fannie Mae's fourth (quiet title) cause of action, the court held the following: "Given the court's  
13 holding on Fannie Mae's § 4617(j)(3) quiet title cause of action, the court need not address Fannie  
14 Mae's additional arguments in favor of its claim for quiet title, which are pled in the alternative."  
15 *Id.* The court did not expressly address Fannie Mae's sixth (breach of NRS 116.1113) and seventh  
16 (wrongful foreclosure) causes of action. *See id.* The court also did not expressly address the  
17 crossclaims the HOA and Red Rock asserted against each other. *See id.*

18 Now, the HOA requests that the court amend the judgment (ECF No. 34) to state that the  
19 judgment is entered only against RH Kids and that all of the parties' remaining claims and  
20 crossclaims are dismissed as moot. (ECF No. 36).

## 21 **II. Legal Standard**

22 Pursuant to Federal Rule of Civil Procedure 60(a), "[t]he court may correct a clerical  
23 mistake or a mistake arising from oversight or omission whenever one is found in a judgment,  
24 order, or other part of the record." Fed. R. Civ. P. 65(a). The rule further states that "[t]he court  
25 may do so on motion or on its own, with or without notice." Fed. R. Civ. P. 65(a).

26 The difference between "'clerical mistakes' and mistakes that cannot be corrected pursuant  
27 to Rule 60(a) is that the former consist of 'blunders in execution' whereas the latter consist of  
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instances where the court changes its mind.” *Tattersalls, Ltd. v. DeHaven*, 745 F.3d 1294, 1297 (9th Cir. 2014) (quoting *Blanton v. Anzalone*, 813 F.2d 1574, 1577 n.2 (9th Cir. 1987)).

### III. Discussion

The HOA contends that the court directed the clerk to enter judgment and close the case because it intended to dismiss Fannie Mae’s remaining sixth and seventh causes of action against the HOA and Red Rock as moot. (ECF No. 36). The HOA further contends that the HOA and Red Rock’s crossclaims are based on a request for indemnity with regard to Fannie Mae’s sixth and seventh causes of action, such that the crossclaims became moot upon dismissal of Fannie Mae’s sixth and seventh causes of action. *Id.*

Fannie Mae responds that it does not object to entry of an amended judgment on its quiet title claim against RH Kids only and dismissal of its remaining claims as moot. (ECF No. 37).

In granting summary judgment in favor of Fannie Mae on its second cause of action, the court intended that judgment be entered against RH Kids only (the only defendant named in Fannie Mae’s first and second causes of action). Accordingly, when the court instructed the clerk to enter judgment and close the case, the court originally intended to dismiss Fannie Mae’s sixth and seventh causes of action as moot. In so doing, the court also intended to dismiss the HOA and Red Rock’s crossclaims as moot, as indemnity was no longer at issue.

Because entry of an amended judgment entering judgment as to RH Kids only, dismissing Fannie Mae’s sixth and seventh causes of action as moot, and dismissing the HOA and Red Rock’s crossclaims as moot does not deviate from the court’s original intention, Rule 60(a) is an appropriate vehicle to correct the judgment. Further, neither Fannie Mae nor any defendant opposes the HOA’s motion. The HOA is therefore instructed to prepare and file a proposed judgment, within fourteen (14) days of the date of this order, that enters judgment in favor of Fannie Mae on its second cause of action against RH Kids only and indicates that all remaining claims and crossclaims are dismissed as moot.

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